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*Attorneys for Defendant Teamsters Local 631 Security  
Fund for Southern Nevada*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

HARRIS LAW FIRM, LLP, a Nevada limited liability  
partnership, dba RICHARD HARRIS LAW FIRM,

Plaintiff,

v.

NAILA LYNN MARTINEZ, an individual; A&M  
CHIROPRACTIC WELLNESS CENTER, LLC, a  
Nevada limited liability company, AARGON  
AGENCY, INC., a Nevada corporation dba AARGON  
COLLECTION AGENCY; APEX MEDICAL  
CENTER, a Nevada corporation; CANYON  
MEDICAL BILLING, LLC, a Nevada limited liability  
company; ANDREW M. CASH, M.D., P.C., a Nevada  
Professional Corporation dba DESERT INSTITUTE  
OF SPINE CARE; ELLIS, BANDT, BIRKIN,  
KOLLINS, & WONG, PROF. CORP., a Nevada  
Professional Corporation dba DESERT  
RADIOLOGISTS; ENRICO FAZZINI, M.D., an  
individual; DANIEL L. BURKHEAD, M.D., LTD., a  
Nevada corporation dba INNOVATIVE PAIN CARE  
CENTER; WOODWARD AVE., LLC, a Nevada  
limited liability company dba INNOVATIVE  
PROCEDURAL AND SURGICAL CENTER; LAS  
VEGAS PHARMACY, INC. a Nevada corporation;  
MD SPINE SOLUTIONS, LLC, a California limited  
liability company dba MD LABS; PLUSFOUR, INC.,  
a Nevada corporation; RAXO DRUGS, INC., a  
Nevada corporation; SHADOW EMERGENCY  
PHYSICIANS, PLLC, a Nevada professional limited

CASE NO.:

**INDEX OF EXHIBITS TO  
DEFENDANT'S PETITION FOR  
REMOVAL**

1 liability company; SMART ASSET INVESTMENTS,  
2 LLC, a Nevada limited liability company; VALLEY  
3 HEALTH SYSTEM, LLC, a Delaware limited  
4 liability company dba SPRING VALLEY HOSPITAL  
5 MEDICAL CENTER; TEAMSTERS LOCAL 631  
6 TRUST FUNDS, an unknown entity; THEODORE M.  
7 THORP M.D., PROF CORP., a Nevada Professional  
8 Corporation; MATTHEW G. ROACH, D.C., PROF.  
9 CORP, a Nevada corporation dba WESTON  
10 CHIROPRACTIC; WILLIAM S. MUIR, M.D., LTD.,  
11 a Nevada corporation dba WILLIAM MUIR, MD  
12 SPINE SURGERY; and DOES I through X, inclusive

13  
14 Defendants.

15 1. Exhibit A – Summons Issued to Teamsters Local 631 Trust Funds

16 2. Exhibit B – Complaint in Interpleader

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
702.382.2101

**EXHIBIT A – SUMMONS ISSUED TO  
TEAMSTERS LOCAL 631 TRUST FUNDS**

Electronically Issued  
10/4/2017 12:34 PM

SUMM

**District Court**  
**CLARK COUNTY, NEVADA**

HARRIS LAW FIRM, LLP, Nevada limited liability partnership,  
dba RICHARD HARRIS LAW FIRM,

Plaintiff(s),

-vs-

NAILA LYNN MARTINEZ, et al.,

Defendant(s),

CASE NO. A-17-762138-C

DEPT. NO. VI

**SUMMONS**  
**to Teamsters Local 631 Trust Funds**

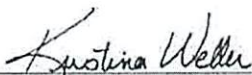
**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

**Teamsters Local 631 Trust Funds**  
**700 N. Lamb Blvd.**  
**Las Vegas, NV 89110**

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint


Submitted by:



RICHARD HARRIS, ESQ.  
Nevada Bar No. 505  
KRISTINA R. WELLER, ESQ.  
Nevada Bar No.: 007975  
RICHARD HARRIS LAW FIRM  
801 South Fourth Street  
Las Vegas, Nevada 89101  
Telephone: (702) 444-4444  
*Attorneys for Plaintiff*

STEVEN J. GRIERSON  
CLERK OF COURT

By:

  
DEPUTY CLERK  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

10/5/2017

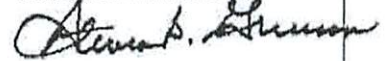
Date

Vivian Canela

**EXHIBIT B – COMPLAINT IN  
INTERPLEADER**



Electronically Filed  
9/26/2017 5:46 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 CII  
2 RICHARD HARRIS, ESQ.  
3 Nevada Bar No. 505  
4 KRISTINA R. WELLER, ESQ.  
5 Nevada Bar No.: 007975  
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12 *Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

HARRIS LAW FIRM, LLP, Nevada limited liability  
partnership, dba RICHARD HARRIS LAW FIRM,

Plaintiffs,

vs.

NAILA LYNN MARTINEZ, an individual; A & M  
CHIROPRACTIC WELLNESS CENTER, LLC, a Nevada  
limited liability company; AARGON AGENCY, INC., a  
Nevada corporation dba AARGON COLLECTION AGENCY;  
APEX MEDICAL CENTER, a Nevada corporation; CANYON  
MEDICAL BILLING, LLC, a Nevada limited liability  
company; ANDREW M. CASH, M.D., P.C., a Nevada  
Professional Corporation dba DESERT INSTITUTE OF SPINE  
CARE; ELLIS, BANDT, BIRKIN, KOLLINS, & WONG,  
PROF. CORP., a Nevada Professional Corporation dba  
DESERT RADIOLOGISTS; ENRICO FAZZINI, M.D., an  
individual; DANIEL L. BURKHEAD, M.D., LTD., a Nevada  
corporation dba INNOVATIVE PAIN CARE CENTER;  
WOODWARD AVE., LLC, a Nevada limited liability company  
dba INNOVATIVE PROCEDURAL AND SURGICAL  
CENTER;; LAS VEGAS PHARMACY, INC. a Nevada  
corporation; MD SPINE SOLUTIONS, LLC, a California  
limited liability company dba MD LABS; PLUSFOUR, INC., a  
Nevada corporation; RAXO DRUGS, INC., a Nevada  
corporation; SHADOW EMERGENCY PHYSICIANS, PLLC,  
a Nevada professional limited liability company; SMART  
ASSET INVESTMENTS, LLC, a Nevada limited liability  
company; VALLEY HEALTH SYSTEM, LLC, a Delaware  
limited liability company dba SPRING VALLEY HOSPITAL  
MEDICAL CENTER; TEAMSTERS LOCAL 631 TRUST  
FUNDS, an unknown entity; THEODORE M. THORP M.D.,  
PROF CORP., a Nevada Professional Corporation; MATTHEW  
G. ROACH, D.C., PROF. CORP, a Nevada corporation dba  
WESTON CHIROPRACTIC; WILLIAM S. MUIR, M.D.,  
LTD., a Nevada corporation dba WILLIAM MUIR, MD SPINE  
SURGERY; and DOES I through X, inclusive,

Defendants.

CASE NO.: A-17-762138-C  
DEPT NO.: Department 6

**COMPLAINT IN  
INTERPLEADER**

*Exempt from Arbitration  
ADR Rule 3A: Equitable  
Relief*

**RICHARD HARRIS**  
LAW FIRM



1 Plaintiff, RICHARD HARRIS LAW FIRM, alleges as follows:

2 1. Plaintiff, HARRIS LAW FIRM, LLP, is a Nevada limited liability partnership,  
3 licensed and doing business in the County of Clark, State of Nevada as RICHARD HARRIS LAW  
4 FIRM.

5 2. Upon information and belief, Defendant, NAILA LYNN MARTINEZ, is an  
6 individual and is now, and at all times mentioned in this Complaint, a resident of the State of  
7 Nevada, County of Clark.

8 3. Upon information and belief, Defendant, A & M CHIROPRACTIC WELLNESS  
9 CENTER, LLC, is a Nevada limited liability company, duly licensed and doing business in the  
10 County of Clark, State of Nevada.

11 4. Upon information and belief, Defendant, AARGON AGENCY, INC., is a Nevada  
12 corporation duly licensed and doing business in the County of Clark, State of Nevada as  
13 AARGON COLLECTION AGENCY.

14 5. Upon information and belief, Defendant, APEX MEDICAL CENTER, is a Nevada  
15 corporation duly licensed and doing business in the County of Clark, State of Nevada.

16 6. Upon information and belief, Defendant, CANYON MEDICAL BILLING, LLC, is  
17 a Nevada limited liability company, duly licensed and doing business in the County of Clark, State  
18 of Nevada.

19 7. Upon information and belief, Defendant, ANDREW M. CASH, M.D., P.C., is a  
20 Nevada professional corporation duly licensed and doing business in the County of Clark, State of  
21 Nevada as DESERT INSTITUTE OF SPINE CARE.

22 8. Upon information and belief, Defendant, ELLIS, BANDT, BIRKIN, KOLLINS, &  
23 WONG, PROF. CORP., is a Nevada professional corporation duly licensed and doing business in  
24 the County of Clark, State of Nevada as DESERT RADIOLOGISTS.

25 9. Upon information and belief, Defendant, ENRICO FAZZINI, M.D., is an individual  
26 and is now, and at all times mentioned in this Complaint, a resident of the State of Nevada, County  
27 of Clark.

28 . . .





1           10.     Upon information and belief, Defendant, DANIEL L. BURKHEAD, M.D., LTD., is  
2 a Nevada corporation duly licensed and doing business in the County of Clark, State of Nevada as  
3 INNOVATIVE PAIN CARE CENTER.

4           11.     Upon information and belief, Defendant, WOODWARD AVE., LLC, is a Nevada  
5 limited liability company duly licensed and doing business in the County of Clark, State of Nevada  
6 as INNOVATIVE PROCEDURAL AND SURGICAL CENTER.

7           12.     Upon information and belief, Defendant, LAS VEGAS PHARMACY, INC., is a  
8 Nevada corporation, duly licensed and doing business in the County of Clark, State of Nevada.

9           13.     Upon information and belief, Defendant, MD SPINE SOLUTIONS, LLC, is a  
10 California limited liability company duly licensed and doing business in County of Clark, State of  
11 Nevada as MD LABS.

12           14.     Upon information and belief, Defendant, PLUSFOUR, INC., is a Nevada  
13 corporation duly licensed and doing business in the County of Clark, State of Nevada.

14           15.     Upon information and belief, Defendant, RAXO DRUGS, INC., is a Nevada  
15 corporation duly licensed and doing business in the County of Clark, State of Nevada.

16           16.     Upon information and belief, SHADOW EMERGENCY PHYSICIANS, PLLC, is a  
17 Nevada professional limited liability company duly licensed and doing business in County of  
18 Clark, State of Nevada.

19           17.     Upon information and belief, Defendant, SMART ASSET INVESTMENTS, LLC,  
20 is a Nevada limited liability company duly licensed and doing business in the County of Clark,  
21 State of Nevada.

22           18.     Upon information and belief, Defendant, VALLEY HEALTH SYSTEM, LLC, is a  
23 Delaware limited liability company duly licensed and doing business in County of Clark, State of  
24 Nevada as SPRING VALLEY HOSPITAL MEDICAL CENTER.

25           19.     Upon information and belief, Defendant, TEAMSTERS LOCAL 631 TRUST  
26 FUNDS, is an unknown entity doing business in State of New Jersey.

27     . . .

28     . . .





20. Upon information and belief, Defendant, THEODORE M. THORP M.D., PROF CORP., is a Nevada professional corporation duly licensed and doing business in the County of Clark, State of Nevada.

21. Upon information and belief, Defendant, MATTHEW G. ROACH, D.C., PROF. CORP., is a Nevada corporation duly licensed and doing business in the County of Clark, State of Nevada as WESTON CHIROPRACTIC.

22. Upon information and belief, Defendant, WILLIAM S. MUIR, M.D., LTD., is a Nevada corporation duly licensed and doing business in the County of Clark, State of Nevada as WILLIAM MUIR, MD SPINE SURGERY.

23. The true names of DOES I through X, their citizenship and capacities, whether individual, corporate associate, partnership or otherwise, are unknown to Plaintiff who therefore sue these Defendants by such fictitious names. Plaintiff is informed and believes, and thereupon alleges, that each of the Defendants designated herein as DOES have some lien, claim or right to the settlement funds herein referred to.

24. Upon information and belief, Defendant, Naila Lynn Martinez, was represented by Plaintiff for personal injury claims in relation to an accident that occurred in Clark County, Nevada on or about January 11, 2013. Plaintiff's representation of Defendant, Naila Lynn Martinez, required various attorney's tasks including accumulating medical and other records; analyzing those records; successfully negotiating settlement agreements and collecting the settlement monies; filing a complaint and now filing an interpleader action to ask this Court to distribute those monies.

25. Defendant, Naila Lynn Martinez's personal injury action was settled for a non-confidential amount of \$50,000. This amount was the negotiated settlement amount for Defendant, Naila Lynn Martinez' injuries against the third party tortfeasor, and Plaintiff was the attorney of record.

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26. Upon information and belief, Defendant Medical Providers have claims and liens against the settlement as follows:

|    |  |                    |
|----|--|--------------------|
| a. | Neck and Back Clinic   | 14,455.00          |
| b. | A & M Chiropractic Wellness Center, LLC                                      | 570.00             |
| c. | Aargon Agency, Inc. dba Aargon Collection Agency                             | Unknown            |
| d. | Apex Medical Center  | 4,209.00           |
| e. | Canyon Medical Billing, LLC  | 4,950.00           |
| f. | Andrew M. Cash, M.D., P.C. dba Desert Institute of Spine Care                | 1,375.00           |
| g. | Ellis, Bandt, Birkin, Kollins, & Wong, Prof. Corp. dba Desert Radiologists   | 503.08             |
| h. | Enrico Fazzini, M.D.   | 6,938.30           |
| i. | Daniel L. Burkhead, M.D., Ltd. dba Innovative Pain Care Center               | 9,025.00           |
| j. | Daniel L. Burkhead, M.D., Ltd. dba Innovative Procedural and Surgical Center | 6,938.30           |
| k. | Las Vegas Pharmacy, Inc.   | 1,157.10           |
| l. | MD Spine Solutions, LLC dba MD Labs  | 1,194.00           |
| m. | Raxo Drugs, Inc.   | 599.20             |
| n. | Shadow Emergency Physicians, PLLC  | 1,318.00           |
| o. | Smart Asset Investments, LLC   | 16,454.58          |
| p. | Valley Health System LLC dba Spring Valley Hospital Medical Center           | 16,300.00          |
| q. | Teamsters Local 631 Trust Funds  | 13,033.48          |
| r. | Theodore M. Thorp M.D., Prof Corp.   | 7,244.00           |
| s. | Matthew G. Roach, D.C., Prof. Corp. dba Weston Chiropractic                  | 605.00             |
| t. | William S. Muir, M.D., Ltd. dba William Muir, MD Spine Surgery               | 420.00             |
| u. | Plusfour, Inc.   | Unknown            |
|    | <b>Total Liens</b>   | <b>\$92,834.04</b> |

27. Plaintiff paid in excess of \$7,685.00 in litigation costs and will incur additional costs in the future as a result of this action.

28. By Retainer Agreement, Naila Lynn Martinez has agreed to pay a contingency fee from the settlement monies to Plaintiff at the rate of 40% for the total sum of \$20,000 as and for attorney's fees, plus costs.

29. Defendants do, or may assert multiple, conflicting claims to the above-described monies in an amount in excess of the limits recovered.

30. The foregoing claims of Defendants are conflicting, and Plaintiff is unable to determine which of the respective claims is valid or to whom, if anyone, the money may be paid without risking double or multiple liability.



1           31.     The claims and debts asserted by lienholders are disputed, excessive, invalid and/or  
2 not related to the subject interpleader funds.

3           32.     Plaintiff has incurred and will incur costs and attorney fees in connection with these  
4 proceedings.

5           WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, as  
6 follows:

7           1.     That Plaintiff be allowed its attorney's fees and costs pursuant to its perfected  
8 attorney's lien.

9           2.     The Plaintiff be allowed its costs incurred in filing and prosecuting this interpleader  
10 action.

11          3.     That the Defendants be ordered to interplead and litigate their claims to the above-  
12 described money;

13          4.     That judgment be entered precluding the Defendants from any recovery whatsoever  
14 regarding the charges incurred as a result of the subject incident which gave rise to the instant  
15 Complaint in Interpleader;

16          5.     That the Defendants be restrained, until further order of this court, from instituting  
17 or further prosecuting any other proceeding against Plaintiff or the injured party in any court  
18 affecting the rights and obligations between the parties to this action;

19          6.     That all debts owed to the Defendants shall be discharged in full from the interplead  
20 funds;

21          7.     That all amounts owed to any Defendants shall be discharged as well and neither  
22 Plaintiff nor the injured party shall be obligated to pay Defendants any amount for treatment  
23 related to the underlying claim;

24          8.     That Plaintiff be permitted to litigate its claim to the above described money or  
25 liability to all of the named and un-named Defendants, DOES I through X, and be otherwise  
26 discharged from all liability to all Defendants with respect to the above described money;

27          . . .

28          . . .



1           9.     Plaintiff be awarded costs and reasonable attorney fees to be determined by the  
2 court; and

3           10.    Other relief the court deems just and proper.

4           Dated: September 26, 2017.

5                               RICHARD HARRIS LAW FIRM

6                               *Kristina Weller*  
7                               \_\_\_\_\_  
8                               KRISTINA R. WELLER, ESQ.

